REMARKS

In response to the Office Action dated December 23, 2010, and in response to the Request for Continued Examination file herewith, claims 1, 7, 9, 11 and 14 have been amended and claims 25-31 have been canceled. Claims 1, 5, 7, 9-11, 14, 15, 18, 20 and 22-24 are pending in the application.

In paragraph 3 on page 2 of the Office Action, claims 1, 5, 7, 9-11, 14, 15, 18, 20 and 22-31 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Alpdemir in view of Tackett and Guo.

Applicant respectfully traverses the rejection, but in the interest of expediting prosecution has amended claims.

Independent claim 1 sets forth a computer readable storage medium having instructions, which when executed on a computer performs recognition and audible prompting on a client in a client/server system. A module is configured for use on the client and, when executed on a processor of a computer associated with the clients creates a dialog with a user using client side markup generated as a function of a set of controls, wherein the client side markup includes markup related to audible prompting of a plurality of questions and markup related to a grammar for recognition as a function of responses from the user, wherein the client side markup is adapted to prioritize prompting of the plurality of questions and generate audible prompts for the plurality of questions in a selected order as related to an order of the controls, wherein using the client side markup, the dialog follows the selected order of prompting to sequentially provide audible prompts according to the selected order to the user for one

or more of the plurality of questions and receive one or more responses to the audible

prompts from the user, wherein the dialog departs from the selected order to provide a

new prompt generated by the module using markup related to the grammar for

recognition as a function of a response that includes both an answer to the previous

audible prompt and additional information that is not an answer to the previous audible

prompt that was given by the user after an immediately previous audible response and

wherein the new prompt generated by the module as a function of the response that

included additional information that was not an answer to the immediately previous

audible prompt that was given is provided to the user at an adapted point in the selected

order to provide a promoted audible prompt subsequent to the immediately previous

audible prompt in the selected order and skipping at least an audible response

subsequent to the immediately previous audible prompt. Independent claim 11 sets

forth similar elements

In contrast, Alpdemir merely discloses proceeding with a script for a consumer

or business call by providing prompts for questions and receiving answers in an order

of the script. All prompts follow the script order.

Tackett merely teaches the use of dialog interaction with a system and the use of

stack to remember the meaning and order of spoken information. Tackett executes

actions when a category from a set of predefined categories is activated. An attention

focus list is reordered during the course of interaction based upon which categories

were activated.

Guo is merely cited as disclosing a system that actively provides the user with useful information related to a particular topic. According to Guo, a user responds to a prompt by including information about the prompt (i.e. introduction) and an interest in another topic. Execution of a particular sub-task may be interrupted by the user expressing interest in another topic. This initiates a sub-dialog. After completion of the sub-dialog, the system will begin again to continue on with its previous tasks.

However, Alpdemir, Tackett and Guo, alone or in combination, fail to disclose, teach or suggest a dialog departing from a selected order to provide a new prompt that is generated by a module using markup related to the grammar for recognition as a function of a response that includes both an answer to the previous audible prompt and additional information that is not an answer to the previous audible prompt that was given by the user after an immediately previous audible response. Alpdemir, Tackett and Guo fail to mention generating a new prompt that is generated by a module using markup related to the grammar for recognition as a function of a response that includes both an answer to the previous audible prompt and additional information that is not an answer to the previous audible prompt. Rather, Alpdemir and Tackett are silent to the generation of a new prompt. Tackett merely rearranges entries in a stack, but not does not suggest generating a new prompt.

Guo merely discloses the use of a task model that defines tasks in a hierarchical structure. Guo teaches that the tasks may include a priority task and a plurality of sub-tasks. Guo discloses that the sub-tasks may be skipped as a function of user input. However, Guo does not suggest generating a new prompt based on receiving an answer

11

to a prompt that include additional information that is not an answer to the previous audible prompt.

Alpdemir, Tackett and Guo, alone or in combination, also fail to disclose, teach or suggest providing the new prompt to the user at an adapted point in the selected order to provide a promoted audible prompt subsequent to the immediately previous audible prompt in the selected order and skipping at least an audible response subsequent to the immediately previous audible prompt. Guo teaches skipping sub-tasks. However, Guo simply keeps to the dialog at a point after the last skipped sub-task. Thus, Guo does not provide a new prompt at an adapted point in a selected order.

Thus, Alpdemir, Tackett and Guo, alone or in combination fail to disclose, teach or suggest, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1 and 11, as amended.

Dependent claims 5, 7, 9-10, 14, 15, 18, 20 and 22-24 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1 and 11, respectively. Further dependent claims 5, 7, 9-10, 14, 15, 18, 20 and 22-24 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 5, 7, 9-10, 14, 15, 18, 20 and 22-24 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

Merchant & Gould
P.O. Box 2903
Minneapolis, MN 55402-0903
(865) 380-5976

27488
PATENT TRADEMARK OFFICE

By: _____
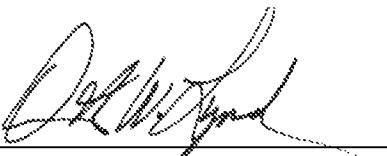
Name: David W. Lynch
Reg. No.: 36,204